

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PATRICIA CHAVEZ-RODRIGUEZ,

Plaintiff,

vs.

No. CIV 07-0633 JB/DJS

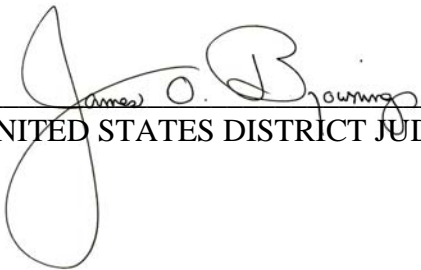
CITY OF SANTA FE, MAYOR DAVID COSS,
in His Official and Individual Capacity,
COUNCILOR KAREN HELDMEYER,
in Her Official and Individual Capacity,
JOHN B. "JACK" HIATT in His Official
and Individual Capacity,

Defendants.

ORDER

THIS MATTER comes before the Court on: (i) the Defendants' Motion for Reconsideration of Court's Order [Doc. 236] Denying Immunity to Individual Defendant in Defendants' Motion for Judgment on the Pleadings on Count III of Plaintiff's Complaint (Assault); Or In the Alternative, for Summary Judgment and Memorandum in Support, filed November 20, 2008 (Doc. 239); and (ii) the Defendants' Motion for Reconsideration of Court's Order [Doc. 234] Denying in Part Defendants' Motion for Partial Summary Judgment on First Amended Retaliation (Count I) and Memorandum in Support, filed December 12, 2008 (Doc. 243). After the Defendants filed these motions, but before the Court ruled on them, the Defendants appealed two of the Court's prior orders. The Tenth Circuit resolved the appeal favorably for the Defendants, rendering these motions moot. See Chavez-Rodriguez v. City of Santa Fe, No. 09-2047, 2010 WL 548277, at *1 (10th Cir. Feb. 18, 2010). Defendants' counsel has represented to the Court's Courtroom Deputy Clerk that, rather than withdraw his motions, he would prefer the Court to deny the motions as moot. Pursuant to that representation, the Court now denies both motions as moot.

IT IS ORDERED that: (i) the Defendants' Motion for Reconsideration of Court's Order [Doc. 236] Denying Immunity to Individual Defendant in Defendants' Motion for Judgment on the Pleadings on Count III of Plaintiff's Complaint (Assault); Or In the Alternative, for Summary Judgment and Memorandum in Support; and (ii) the Defendants' Motion for Reconsideration of Court's Order [Doc. 234] Denying in Part Defendants' Motion for Partial Summary Judgment on First Amended Retaliation (Count I) and Memorandum in Support are both denied as moot.



UNITED STATES DISTRICT JUDGE

Counsel:

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